IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

§ § FILED

VIA TECHNOLOGIES, INC.

and

CENTAUR TECHNOLOGY, INC.,

Plaintiffs and Counterclaim Defendants,

V.

INTEL CORPORATION,

Defendant and Counterclaim Plaintiff,

v.

VIA-CYRIX, INC., VIA TECHNOLOGIES, INC. (US), IP FIRST, L.L.C.

Counterclaim Defendants.

CLERK, US. DISTRICT COURT DISTRICT OF TEXAS

CIVIL ACTION NO. A-01-CA-602-SS (Consolidated with Civil Action

No. A-02-CA-420-SS)

PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS'
NOTICE OF FILING

TO THE HONORABLE JUDGE SAM SPARKS:

In accordance with Rule CV-16(e) of the Local Rules of the Western District of

Texas, plaintiffs and counterclaim defendants file the following materials:

- 1. STATEMENT OF CLAIMS OF VIA TECHNOLOGIES, INC. AND CENTAUR TECHNOLOGY, INC. AND STATEMENT OF DEFENSES OF VIA TECHNOLOGIES, INC., CENTAUR TECHNOLOGY, INC., VIA-CYRIX, INC. AND VIA TECHNOLOGIES, INC. (US);
- 2. CENTAUR AND VIA'S PROPOSED JURY INSTRUCTIONS;
- 3. CENTAUR AND VIA'S PROPOSED VOIR DIRE QUESTIONS;
- 4. CENTAUR AND VIA'S PROPOSED VERDICT FORM;

PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS' NOTICE OF FILING

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- 5. PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS' LIST OF POTENTIAL WITNESSES;
- 6. PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS' AMENDED LIST OF TRIAL EXHIBITS;
- 7. PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS' DESIGNATIONS OF DEPOSITION TRANSCRIPTS; AND PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS' AMENDED DESIGNATION OF DEPOSITION TRANSCRIPTS;
- 8. PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS' OBJECTIONS TO INTEL'S EXHIBITS: AND
- 9. PLAINTIFFS' AND COUNTERCLAIM DEFENDANTS' COUNTER-DESIGNATIONS AND OBJECTIONS TO INTEL'S DESIGNATIONS OF DEPOSITION TRANSCRIPTS.
- 10. PLAINTIFF AND COUNTERCLAIM DEFENDANTS' MOTIONS IN LIMINE (FILED UNDER SEPARATE COVER)
 - A. The VIA Parties' Motion In Limine To Preclude Intel From Presenting Evidence And Argument Regarding The VIA Parties' Possession Of Intel Roadmaps, with attached Declaration Of Birch Harms In Support Of The VIA Parties' Motion In Limine To Preclude Intel From Presenting Evidence And Argument Regarding The VIA Parties' Possession Of Intel Roadmaps, and proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER);
 - B. The VIA Parties' Motion In Limine To Exclude The Testimony Of Defendant's Expert Dr. Jerry A. Hausman, On Damages, with Affidavit Of Sasha G. Rao In Support Of The VIA Parties' Motion In Limine To Exclude The Testimony Of Defendant's Expert Dr. Jerry A. Hausman, On Damages, with proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER);
 - C. Plaintiff's And Counterclaim Defendant's Motion In Limine To Exclude The Expert Testimony Of Jay P. Kesan, with Affidavit Of Sasha G. Rao In Support Of Plaintiff's And Counterclaim Defendant's Motion In Limine To Exclude The Expert Testimony Of Jay P. Kesan, and proposed Order;
 - D. Plaintiff's And Counterclaim Defendant's Motion In Limine To Preclude Intel From Relying On Prior Art That Was Not Listed On Its Notice Under 35 U.S.C. §282, with attached Affidavit of Patton G. Lochridge in Support Of Plaintiff's And Counterclaim Defendant's Motion In Limine To Preclude Intel From Relying

On Prior Art That Was Not Listed On Its Notice Under 35 U.S.C. §282, wit proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER)

- E. Plaintiff's And Counterclaim Defendants' Motion In Limine To Preclude Intel From Introducing Evidence At Trial Relating To The Preferred Embodiments Of U.S. Patent Nos. 5,701,508 And 5,835,748 And To Establish That Orenstein Ex. 2 Is An Accurate Description Of The Preferred Embodiment Of The Alleged Invention Of U.S. Patent No. 5,835,748, with attached Declaration Of Christa Worley In Support Of The Plaintiff's And Counterclaim Defendants' Motion In Limine To Preclude Intel From Introducing Evidence At Trial Relating To The Preferred Embodiments Of U.S. Patent Nos. 5,701,508 And 5,835,748 And To Establish That Orenstein Ex. 2 Is An Accurate Description Of The Preferred Embodiment Of The Alleged Invention Of U.S. Patent No. 5,835,748, with proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER);
- F. VIA/Centaur's Motion In Limine To Preclude Intel From Challenging Interpretation Of Intel's Source Code By VIA/Centaur's Experts, and Order Granting Motion with attached Declaration Of Harold Stone In Support Of VIA/Centaur's Motion In Limine To Preclude Intel From Challenging Interpretation Of Intel's Source Code By VIA/Centaur's Experts, and proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER).
- 11. OPPOSITIONS TO INTEL'S MOTIONS IN LIMINE (FILED UNDER SEPARATE COVER):
 - A. The VIA Parties' Opposition To "Intel Corporation's Motion In Limine To Preclude The VIA Parties From Offering Or Relying On Evidence Concerning Prior Litigation Between VIA And Intel", with proposed Order;
 - B. The VIA Parties' Opposition To "Intel Corporation's Motion In Limine To Preclude The VIA Parties From Presenting To The Jury Evidence Concerning A Cross-License Between Intel And IDT", with Proposed Order;
 - C. The VIA Parties' Opposition To "Intel Corporation's Motion In Limine To Preclude The VIA Parties From Offering Evidence Requested By Intel That Was Never Produced During Discovery", with Affidavit Of John M. Hintz In Support Of The VIA Parties' Opposition To "Intel Corporation's Motion In Limine To Preclude The VIA Parties From Offering Evidence Requested By Intel That Was Never Produced During Discovery", with Proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER);
 - D. The VIA Parties' Opposition To "Intel Corporation's Motion In Limine To Preclude The VIA Parties From Substituting Assumed Information In Lieu Of Intel's Own Information That Was Produced During Discovery", with Affidavit

- Of John M. Hintz In Support Of The VIA Parties' Opposition To "Intel Corporation's Motion In Limine To Preclude The VIA Parties From Substituting Assumed Information In Lieu Of Intel's Own Information That Was Produced During Discovery", with proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER);
- E. The VIA Parties' Opposition To "Intel's Motion In Limine To Preclude The VIA Parties From Introducing Evidence Of Intel's Alleged Infringing Activities Prior To The Stipulated Dates For The Accrual Of Damages", with Affidavit Of John M. Hintz In Support Of The VIA Parties' Opposition To "Intel's Motion In Limine To Preclude The VIA Parties From Introducing Evidence Of Intel's Alleged Infringing Activities Prior To The Stipulated Dates For The Accrual Of Damages", and proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER); and
- F. The VIA Parties' Opposition To "Intel Corporation's Motion In Limine To Preclude The VIA Parties From Offering Any Evidence Of Alleged Convoyed, Derivative, Or Collateral Sales", with Affidavit Of John M. Hintz In Support Of The VIA Parties' Opposition To "Intel Corporation's Motion In Limine To Preclude The VIA Parties From Offering Any Evidence Of Alleged Convoyed, Derivative, Or Collateral Sales", and proposed Order (FILED UNDER SEAL WITH MOTION/PROPOSED ORDER).

Dated: March 25, 2003

Respectfully submitted,

MCGINNIS, LOCHRIDGE & KILGORE, L.L.P. Patton G. Lochridge (Texas Bar No. 12458500) Lin Hughes (Texas Bar No. 10211100)

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing has been sent on this 25th day of March, 2003 to the following:

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VIA FACSIMILE (without exhibits) AND VIA

FEDERAL EXPRESS

VIA FACSIMILE (without exhibits) AND VIA

FEDERAL EXPRESS

Patton G. Lochridge

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

NOTICE OF DOCUMENT(S) NOT IMAGED

Civil Case No. A-01-CA-602 SS

VIA TECHNOLOGIES, et al

VS.

INTEL CORP., et al

Attachments to

Document #: 422

Description: Plaintiffs' and Counterclaim Defendants'

Notice of Filing (pretrial disclosures)

Filed By: VIA Tech., Centaur

File Date: 3/25/03

DEPUTY CLERK